

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

ANTONIO LAMONT ALLISON,

Plaintiff,

v.

Civil Action No. **3:16CV832**

D. GOODE, et al.,

Defendants.

MEMORANDUM OPINION

Plaintiff, a Virginia inmate proceeding *pro se* and *in forma pauperis*, filed this 42 U.S.C. § 1983 action. In order to state a viable claim under 42 U.S.C. § 1983, a plaintiff must allege that a person acting under color of state law deprived him or her of a constitutional right or of a right conferred by a law of the United States. *See Dowe v. Total Action Against Poverty in Roanoke Valley*, 145 F.3d 653, 658 (4th Cir. 1998) (citing 42 U.S.C. § 1983). Plaintiff's initial Complaint provided a long recitation of the content of various grievances he filed and the responses he received. The Court explained to Plaintiff that it was unclear exactly what constitutional claims he raised in his Complaint against each Defendant. Furthermore, Plaintiff's allegations failed to provide each Defendant with fair notice of the facts and legal basis upon which his or her liability rests. Accordingly, by Memorandum Order entered on April 18, 2017, the Court directed Plaintiff to file a Particularized Complaint. (ECF No. 13, at 2.)

The Court received Plaintiff's Particularized Complaint on May 1, 2017. (ECF No. 14.) Plaintiff's Particularized Complaint, however, failed to correct the deficiencies identified by the Court. Instead, Plaintiff provided a vague, conclusory statement of his claims against each Defendant. Accordingly, by Memorandum Order entered on June 21, 2017, the Court directed

Plaintiff to submit a second particularized complaint within fourteen (14) days of the date of entry thereof. (ECF No. 15, at 2–3.) The Court warned Plaintiff that the failure to submit the second particularized complaint would result in the dismissal of the action. (*Id.* at 2.)

More than fourteen (14) days have elapsed since the entry of the June 21, 2017 Memorandum Order. Plaintiff failed to submit a second particularized complaint or otherwise respond to the June 21, 2017 Memorandum Order. Accordingly, the action will be DISMISSED WITHOUT PREJUDICE.

An appropriate Order will accompany this Memorandum Opinion.

Date: 8/3/17
Richmond, Virginia

/s/
John A. Gibney, Jr.
United States District Judge